

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 DEC 20 PM 3:32

on

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

AIRGAS NOR-PAC, INC.,	
Plaintiff,	
v.	
RICK EGGLESTON,	
Defendant.	Case No. A02-202 CI (JKS)

DEFENDANT'S STATUS REPORT

Counsel for Defendant prepared a letter to Counsel for Plaintiff in October, 2005, and sent a follow-up letter in early December, 2005, (Exhibits A and B), addressing the issues raised at Docket 94. The parties are unable to certify readiness for trial, therefore, Defendant submits the following status report:

(1) **Discovery:** Discovery is almost complete: There are several fact witness depositions slated to be completed by January 2006, including: Dennis Atkins, James Connors, Greg Bratten, Kevin Klann, Rick Thomas, Jeremy

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1 Schaffer, Jeannie Caskey and James Connors. These are all short depositions, in
2 the range of one to two hours.

3 In addition, the parties still need to have their expert reports completed and
4 exchanged. Defendant is waiting on plaintiff's economist's final report in order to
5 prepare a rebuttal by his economist. The parties anticipate that Plaintiff's final
6 report will be exchanged by January 31, 2006 and Defendant's final report from
7 Mike Scott and Peter Barrios by the same date, and the Defendant's rebuttal
8 economic report issued by February 21, 2006. The parties expect expert
9 depositions will be completed by the end of February 2006.

11 (2) **Trial Date:** The Defendant certifies that he should be ready for
12 trial by April 19, 2006. An alternative date is any time in May
13 2006.

14 (3) **Settlement:** The parties are discussing a possible mediation
15 in the case. If mediation is not successful, but the parties
16 believe further discussions will be useful, they will jointly
17 request this Court to arrange a settlement conference.

19 DATED this 20th day of December, 2005, at Anchorage, Alaska.

21 **CLAPP, PETERSON, VAN FLEIN,**
22 **TIEMESSEN & THORSNESS, LLC**
23 Attorneys for Defendant

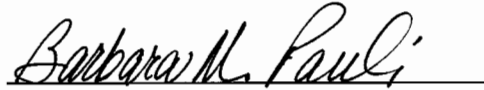
24 By: 

25 Thomas V. Van Flein, #9011119

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3 Certificate of Service

I certify that on this 20th day of December 2005,
4 a copy of the foregoing document was
5 Faxed X Mailed Hand-Delivered
to the following:

6 Douglas S. Parker
7 Preston Gates & Ellis, LLP
420 L Street, Suite 400
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9 cc: Rick Eggleston
10 Michael A. MacDonald, Esq.

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